

REMARKS

Reconsideration of the subject application in view of the present amendment is respectfully requested.

The specification has been amended to correct a formal error therein.

Based on the foregoing amendments and the following remarks, the application is deemed to be in condition for allowance, and action to that end is respectfully requested.

The Examiner rejected Claims 1-4 and 8 under 23 U.S.C. §103(a) as being unpatentable over Onishi, U.S. Patent No. 5, 769,365 (Onishi) in view of Kowalski, U.S. Patent No. 5,067,863 (Kowalski). It is respectfully submitted that claims 1-4 and 8 are patentable over the combination of Onishi and Kowalski.

Specifically, claim recites a receiving member with openings for guiding the gripping members.

Onishi, as recognized in the Office Action, does not disclose a receiving member at all. The Office Action asserts that it would have been obvious to provide in Onishi the receiving member (85) disclosed in Kowalski. Applicant respectfully disagrees with this assertion.

Kowalski (US '863) shows in the Fig. 11-14C a two-part fastener for a mounting rail having a first part, receiving member, formed as a cage and having non-linear arms as stops as well as a rotatable second part arranged in this first part. The openings in the walls of the first part allow the free ends of the second part to penetrate the walls of the first part that a region of the free ends can engage the retaining projections of the mounting rail. There is no suggestion in Kowalski that the openings guide the free ends of the second part.

A man skilled in the art would not have had combined Onishi with Kowalski to come to the invention as defined in the pending claims. Both references refer to different kinds of attachment devices for C-shaped mounting rails. The attachment device according to Onishi having a lock-in-place-mechanism, whereas Kowalski shows a fastener with a "twist-mechanism". No

hint is given to a man skilled in the art to use the first part according to Kowalski for guiding gripping members.

Also if one skilled in the art would have combined the disclosure of Onishi and Kowalski, this combination would not have lead him to the claimed invention. If he had turned the first part and had reduced the size of the openings, this would not lead to a receiving member according to the invention. He had additionally also to leave out the non-linear arms.

However, the provision of non-linear arm is the essence of the Kowalski structure (column 2, lines 45-59). It is respectfully submitted that there is no suggestion in any of Onishi and Kowalski that the references can be combined and what advantages the combination would provide. It is noticed that in Kowalski a better engagement is achieved by the provision of the non-linear arms (*ibid*) which need to be deleted if the receiving member of Kowalski were used in Onishi.

In view of the above, it is respectfully submitted that claim 1 is not made obvious by the combination of Kowalski and Onishi and is, therefore, allowable over said combination.

Claims 2-4 and 8 depend on claims 1 and are likewise allowable as being dependent on an allowable subject matter.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place the case in condition for final allowance, it is respectfully requested that such amendment or correction be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case

to allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 12, 2004.

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